

Message Text

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ACTION ARA-14

INFO OCT-01 ISO-00 HA-05 CIAE-00 DODE-00 PM-05 H-01

INR-10 L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15

ICA-11 AID-05 /078 W

-----099857 121527Z /53

P R 121209Z APR 78

FM AMEMBASSY MONTEVIDEO

TO SECSTATE WASHDC PRIORITY 6246

INFO AMEMBASSY ASUNCION

AMEMBASSY BRASILIA

AMEMBASSY BUENOS AIRES

AMEMBASSY SANTIAGO

USCINCSO QUARRY HTS., CZ

C O N F I D E N T I A L MONTEVIDEO 1227

E.O. 11652: GDS

TAGS: SHUM, UY

SUBJ: FURTHER EMBASSY COMMENTS ON ABA VISIT

REF: A) MONTEVIDEO 1182 (DTG 081652Z APR 78), B) MONTEVIDEO 1178

(DTG 072057Z APR 78), C) MONTEVIDEO 606, A-2 (NOTAL)

1. SUMMARY: THE SUCCESSFUL ABA VISIT CONTRIBUTED POSITIVELY TO OUR HUMAN RIGHTS OBJECTIVES IN URUGUAY BY :(A) OPENING MUCH WIDER THE DOOR WHICH THE GOU HAD FOR SEVERAL YEARS KEPT TIGHTLY SHUT TO ALL HUMAN RIGHTS VISITORS; (B) ENGAGING A BROAD SPECTRUM OF OFFICIAL AND NON-OFFICIAL URUGUAYANS IN DIRECT DIALOGUE ON THE MOST SENSITIVE HUMAN RIGHTS ISSUES AND ELEVATING THIS DIALOGUE TO A NEW, BENCHMARK LEVEL OF SERIOUSNESS AND CONSTRUCTIVENESS; (C) AIRING THE SUBSTANCE OF HUMAN RIGHTS ISSUES BEFORE A URUGUAYAN PUBLIC HERETOFORE DENIED ACCESS TO SUCH INFORMATION; AND, (D) IMPLEMENTING EFFECTIVELY COURSES OF ACTION PRESCRIBED IN OUR GOALS AND OBJECTIVES POLICY PAPER. THIS REMARKABLE COINCIDENCE OF A PRIVATE MISSION'S EFFORTS WITH OUR'S HAS HAD AN ELECTRIC EFFECT IN ELEVATING
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THE CONSCIOUSNESS OF URUGUAYANS ON HUMAN RIGHTS. THE EMBASSY WILL DO ITS UTMOST TO BUILD ON THIS MOST POSITIVE INPUT BY THE ABA, BY CLOSELY MONITORING GOU ACTIONS TO FULFILL ITS COMMITMENT TO THE ABA TEAM AND BY ENCOURAGING URUGUAYAN INDIVIDUALS AND GOUPS TO PLAY A MORE ACTIVE ROLE IN WORKING FOR A RETURN TO THE RULE OF LAW. END SUMMARY.

2. THE FOLLOWING EMBASSY COMMENTS ON THE SIGNIFICANCE OF THE ABA VISIT ARE IN ADDITION TO THOSE INCLUDED IN OUR INITIAL REPORT TRANSMITTED IN REF A. ALTHOUGH THE LARGER SIGNIFICANCE OF THE ABA VISIT WILL BE REALIZED IF, AND WHEN, THE GOU IMPLEMENTS THE RECOMMENDATIONS IN THE ABA AIDE-MEMOIRE (REF B), THE FOLLOWING ARE SOME AREAS IN WHICH THE VISIT ALREADY HAS MADE A POSITIVE CONTRIBUTION TO OUR HUMAN RIGHTS OBJECTIVES IN URUGUAY.

3. OPENING THE DOOR: FOR THE PAST SEVERAL YEARS THE GOU HAS PROGRESSIVELY ISOLATED ITSELF ON THE HUMAN RIGHTS ISSUE, NOT ONLY ADAMANTLY REJECTING HUMAN-RIGHTS RELATED VISITS OR STATEMENTS BY ANY GROUPS OR INDIVIDUALS (PUBLIC OR PRIVATE) AS "INTERVENTION," BUT ALSO SHRILLY ATTACKING THEM ALL AS BIASED AND PART OF AN "INTERNATIONAL CONSPIRACY." THE NATIONAL ACADEMY OF SCIENCES VISIT IN MARCH PRIED THIS TIGHTLY SHUT DOOR OPEN A BIT, BUT THE VISIT WAS VERY NARROWLY FOCUSED ON A SINGLE ISSUE (THE VISIT TO AND REQUEST FOR RELEASE OF MASSERA). HOWEVER, THE CORDIAL AND CONSTRUCTIVE RECEPTION OF THE ABA VISITORS, WITH THEIR SERIOUS CONCENTRATION ON A BROAD RANGE OF THE MOST SENSITIVE HUMAN RIGHTS ISSUES, OPENED THIS DOOR MUCH WIDER AND SET A PRECEDENT WHICH THE GOU CANNOT EASILY REVERSE. THE HUMAN-RIGHTS HARDLINERS, WHO WERE NOT ABLE TO SABOTAGE THE VISIT AS THEY HAD OTHERS IN THE PAST, HAVE BEEN DEALT A SERIOUS BLOW.

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4. DIALOGUE: THE ABA VISITORS DIALOGUE ON HUMAN RIGHTS WITH BOTH OFFICIAL AND NON-OFFICIAL URUGUAYANS WAS IMPRESSIVE, BOTH QUANTITATIVELY AND QUALITATIVELY. IN 28 SEPARATE MEETINGS, THEY MET WITH ALL KEY OFFICIALS OF THE EXECUTIVE, THE COURTS, THE COUNCIL OF STATE AND THE MILITARY, WHILE GIVING EQUAL ATTENTION TO THE URUGUAYAN BAR ASSOCIATION, THE LAW SCHOOL, SCORES OF PRIVATE ATTORNEYS AND SOME INDIVIDUAL HUMAN-RIGHTS CASES. IT WAS A VIRTUAL HUMAN RIGHTS BLITZKRIEG, THE LIKE OF WHICH THIS COUNTRY HAD NEVER BEFORE EXPERIENCED. THE QUALITY OF THE DIALOGUE IN THESE DISCUSSIONS WAS EQUALLY NOTEWORTHY. BUTLER AND REQUE DIRECTLY ADDRESSED ALMOST ALL INDIVIDUAL RIGHTS PROBLEMS IN URUGUAY AND CONCENTRATED HEAVILY ON MAJOR ISSUES SUCH AS TREATMENT OF DETAINEES, MILITARY LEGAL JURISDICTION OVER CIVILIANS, THE RELEASE OF PRISONERS, AND THE INDEPENDENCE OF THE JUDICIARY, THE LEGAL PROFESSION AND THE LAW FACULTY. IN THEIR MEETINGS, BUTLER AND REQUE ARTFULLY AVOIDED GETTING BOGGED DOWN IN DEBATE ON THE HUMAN RIGHTS PROBLEM AS SUCH, WHICH HAS ENTRAPPED PREVIOUS GROUPS, AND WENT DIRECTLY TO DISCUSSIONS OF MEASURES TO DEAL WITH THE PROBLEM. THIS TACTIC SIGNIFICANTLY ELEVATED THE QUALITY OF THE DIALOGUE.

5. AIRING OF THE ISSUE: THE RESPONSIBLE MEDIA COVERAGE OF THE VISIT AND THE PUBLICATION OF THE ABA RECOMMENDATIONS AND GOU RESPONSE HAS GIVEN THE URUGUAYAN PUBLIC A MASSIVE DOSE OF GOOD, SUBSTANTIVE HUMAN RIGHTS MATERIAL; WHICH HERETOFORE HAS BEEN DENIED IT BY GOVERNMENT CENSORSHIP. FOR THE FIRST TIME IN RECENT YEARS, THE URUGUAYAN PUBLIC HAD THE OPPORTUNITY TO WITNESS A SERIOUS HUMAN RIGHTS DEBATE WHICH BROUGHT THE ISSUE OUT INTO THE OPEN AND IMPLICITLY LEGITIMIZED DISCUSSION. IN TERMS OF THE SUBSTANCE OF HUMAN RIGHTS ISSUES, THE GENIE WAS TRULY LET OUT OF THE BOTTLE AND CIRCULATED THROUGHOUT URUGUAYAN SOCIETY. THIS EXPERIENCE MAY HELP TO SHAKE THIS SOCIETY OUT OF THE FEAR-ENGENDERED APATHY THAT HAS NEGATED ANY SERIOUS, OPEN DISCUSSION OF HUMAN RIGHTS.

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6. U.S. INTERESTS: THE ACCOMPLISHMENTS OF THE ABA MISSION ENUMERATED ABOVE AND IN REF A NOT ONLY FURTHER U.S. INTERESTS IN URUGUAY BUT ALSO DIRECTLY IMPLEMENT CURRENT USG POLICY AS SET FORTH IN OUR RECENT GOALS AND OBJECTIVES PAPER (REF C). THROUGHOUT ITS STAY THE ABA MISSION WAS TAKING MANY OF THE COURSES OF ACTION PRESCRIBED IN THIS PAPER TO ATTAIN OUR PRIMARY POLICY GOAL OF "INCREASED OFFICIAL OBSERVANCE OF HUMAN RIGHTS." THIS REMARKABLE COINCIDENCE OF A PRIVATE MISSION'S EFFORTS WITH OURS HAS HAD AN ELECTRIC EFFECT IN ELEVATING THE CONSCIOUSNESS OF URUGUAYANS, IN AN OUTSTANDING EXTENT, ON HUMAN RIGHTS.

7. WE WILL DO OUR UTMOST TO BUILD ON THIS MOST POSITIVE INPUT BY THE ABA, BY CLOSELY MONITORING ACTIONS TAKEN BY THE GOU TO FULFILL ITS COMMITMENT TO THE ABA TEAM AND BY ENCOURAGING OTHER GROUPS, SUCH AS THE COLLEGE OF LAWYERS, TO PLAY A MORE ACTIVE ROLE IN ARGUING FOR A RETURN TO THE RULE OF LAW.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: HUMAN RIGHTS, VISITS, ATTORNEYS
Control Number: n/a
Copy: SINGLE
Draft Date: 12 apr 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978MONTEVIDEO1227
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780157-0595
Format: TEL
From: MONTEVIDEO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780466/aaaacdvp.tel
Line Count: 156
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: b831d0b1-c288-dd11-92da-001cc4696bcc
Office: ACTION ARA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 78 MONTEVIDEO 1182, 78 MONTEVIDEO 1178
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 01 jul 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2995302
Secure: OPEN
Status: NATIVE
Subject: FURTHER EMBASSY COMMENTS ON ABA VISIT
TAGS: SHUM, OTRA, UY, US, AMERICAN BAR ASSOCIATION
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/b831d0b1-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014